

**MINUTES**  
**Crested Butte Town Council**  
**Regular Meeting**  
**Crested Butte Town Hall**  
**Monday, April 17, 2006**

Mayor Pro-Tem Margot Levy called the meeting to order at 7:02 p.m. Council members present: Ron Chlipala, Skip Berkshire, Billy Rankin and Leah Williams. Absent: Alan Bernholtz and Bill Coburn. Staff present: Town Manager Frank Bell, Town Clerk Eileen Hughes, Town Attorney Laura Magner and Town Planner John Hess.

Approval of the minutes of the April 3, 2006 Regular Council meeting.

Chlipala moved and Williams seconded to approve the minutes of the April 3, 2006 regular council meeting as submitted. Roll call vote taken with all voting yes.

**Motion passed unanimously.**

Approval of the minutes of the April 10, 2006 Special Council meeting.

Rankin moved and Williams seconded to approve the minutes of the April 10, 2006 special council meeting as submitted. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS**

Keith Bauer, executive director of the Crested Butte Nordic Center, asked council if the Nordic Center parking lot could be paved. Bauer also requested funds for purchasing evergreen trees to plant in front of the Nordic Center.

Council responded that paving of the Nordic Center was not in the budget this year. Council also indicated that the Town could order evergreen trees for the Nordic Center if the Nordic Center or a donor provided funding for the purchase.

Bauer also noted a letter dated April 17, 2006 he gave to the council regarding obtaining an opinion from the Town Attorney about grooming a ditch that runs through Whetstone Mountain Ranch. Council directed the Town Manager to discuss the request with Bauer and if not worked out that the item be put on a future council agenda.

Crested Butte resident Jay Pozner voiced concern about inadequate parking at a project that's currently undergoing design review and said he's concerned about the Town's parking requirements. Pozner, however, noted that he doesn't have a good understanding of the Town's parking regulations. Pozner gave council a document regarding parking requirements published by the American Planning Association. Council suggested that Pozner research the Town's parking requirements.

Crested Butte resident Glo Cunningham commented on the Artists of the West Elks Arts Fair scheduled for July 2, 2006 and the Crested Butte Mountain Heritage Museum's Black and White Ball on the same date. She also asked for clarification on Resolution No.5, Series 2006 (regarding location of future arts facilities). Council explained that a second reading of the resolution would be held on May 15, 2006.

Christi Matthews, Director of the Crested Butte/Mt. Crested Butte Chamber of Commerce, requested that the Chamber have a representative on the town manager selection committee.

Edward Stern, editor of the Crested Butte News, announced he is leaving his position as editor of the Crested Butte News (in early June) and reporter Aleesha Townes will be the new editor. Sterns also said he supported Bob Piccaro (who is one of three finalists) for the position of Director of Parks and Recreation.

## **2. STAFF REPORTS**

Hess:

- The Crested Butte Area Plan subcommittee decided not to submit any comments regarding the proposed Larkspur Subdivision.
- The Coal Creek Watershed Coalition (CCWSC) will be meeting the morning of April 26, 2006 and the Standard Mine Advisory Group (SMAG) will meeting the afternoon of April 26, 2006.
- The Board of County Commissioners (BOCC) will meet on April 18, 2006 to discuss acquisition of land for essential housing (affordable housing) and the BOCC will discuss essential housing and amendments to the Land Use Resolution on April 19, 2006. Hess plans to attend both discussions.
- Kim Switzer and Diane Mueller contacted him regarding an event for pulling of noxious weeds.

## **3. PUBLIC HEARINGS**

A) Special Events Permit –Chamber of Commerce Fat Tire Bike Week- June 19 to June 25, 2006.

Event Coordinator Kate Shondeck and Chamber Director Christy Matthews were present. Council advised event organizers to close Elk Avenue at 7 a.m. on June 24<sup>th</sup> rather than at 12:30 p.m. so vehicles will not be trapped on the street after the closure. Council also requested event organizers to ensure that activities are occurring on Elk Avenue during the closure and to contact the Town Marshal's Department, Mountain Express and the Crested Butte Fire Protection District regarding the change in the time of the closure of Elk Avenue.

Chlipala moved and Berkshire seconded to approve a Special Events Permit for the Crested Butte/Mt. Crested Butte Chamber of Commerce Fat Tire Bike Week

June 19-24, 2006. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Special Events Permit -Crested Butte Chamber of Commerce Memorial Day Sidewalk Sale- May 26-May 29, 2006-Elk Ave. Sidewalks.

Event Coordinator Kate Shondeck and Chamber Director Christy Matthews were present. Bell explained that as in the past, any Chamber of Commerce member from Crested Butte or Mt. Crested Butte may participate in the sidewalk sale.

Businesses that do not have an Elk Avenue location may partner with an Elk Avenue business or set up on vacate property with the owner's permission.

Chlipala moved and Williams seconded to approve a Special Events Permit for the Crested Butte/Mt. Crested Butte Chamber of Commerce Sidewalk Sale. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Special Events Permit-Chamber of Commerce- 4<sup>th</sup> of July Parade-Elk Avenue.

Event Coordinator Kate Shondeck and Chamber Director Christy Matthews were present. Shondeck explained they plan to conduct the event the same as last year including the "wet zone" but will change things if the council desires. Several council members expressed concern about the Chamber's strategy for the "wet zone." Council said the Chamber should contact businesses in the wet zone and Town Attorney Laura Magner requested the Chamber to check with their insurance provider regarding the "wet zone." Christy Matthews said the Chamber will ensure there is a strategy for the "wet zone" and insurance.

Williams moved and Berkshire seconded to approve a Special Events Permit for the Crested Butte/Mt. Crested Butte Chamber of Commerce 4<sup>th</sup> of July Parade including the "wet zone" The Chamber must give prior notice to businesses in the "wet zone" regarding the event. Roll call vote taken with all voting yes. **Motion passed unanimously.**

D) Special Events Permit- High Country Citizens Alliance (HCCA)-Yard Sale- 4-Way Stop.

Event coordinator Mary Mahoney was present. Staff noted that Town will provide HCCA a dumpster.

Williams moved and Berkshire seconded to approve a Special Events Permit for High Country Citizens Alliance Yard Sale May 20, 2006 at the 4-Way Stop. Roll call vote taken with all voting yes. **Motion passed unanimously.**

#### 4. **NEW BUSINESS**

A) Resolution No. 5- Series 2006- A Resolution Supporting the Allocation of Public Property For the Purpose of the Expansion of Arts Facilities in the Town of Crested Butte, and Expressing Conditions for the Realization of Such Expansion.

Levy excused herself due to a conflict of interest and left the room at 8:52 p.m. Councilmember Skip Berkshire presided in Levy's absence. Council said they planned two readings of the resolution to allow the public more time to comment on the resolution. Arts subcommittee member Neal Windsor commented that it may be a good idea to include wording in the resolution regarding Gothic Field so the public will understand that the field will be obsolete and regardless of plans for the arts facility, Gothic field will eventually be used for other purposes.

Chlipala moved and Rankin seconded to set Resolution No. 5, Series 2006 for second reading on May 15, 2006 as amended to include wording that the Gothic field currently has size limitations for use as a softball field, and the use will become untenable with the planned Sixth Street development, and thus will no longer be a viable location for use as a softball field.

Levy returned to the council chambers at 8:57 p.m. and presided over the meeting.

B) Draft Request for Proposals for Performance Contract –Office for Resource Efficiency (ORE).

ORE Building Director Bruce Van Buskirk was present. Van Buskirk explained that once the RFP is approved he will meet with town staff, then a contractor will be selected and an energy audit will be conducted of selected town buildings. Council agreed that aside from filling in a few blanks that the draft RFP was okay.

Berkshire moved and Williams seconded to direct staff to move forward with an RFP for a Performance Contract. And to work with ORE to fill in the blanks in the draft RFP and finalize the RFP. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Appropriation of \$100,000 from the Open Space Fund for Acquisition of Property.

Details regarding acquisition of the property were not ready yet and the item was postponed until the May 15, 2006 council meeting.

D) Appointment of the Gunnison County Housing Authority.

Hess explained that Reed Betz was the only applicant for the position.

Hess said he spoke with Betz and he was very interested in serving on the Gunnison County Housing Authority Board. Hess said Betz has applied for affordable housing himself. Levy said she also spoke with Betz.

Williams moved and Chlipala seconded to appoint Reed Betz to a two-year term on the Gunnison County Housing Authority Administrative Board. Roll call vote taken with all voting yes. **Motion passed unanimously.**

E) Fee Agreement with Rod Landwehr for Legal Services.

Magner said Landwehr will be available while she is on vacation. Magner explained the agreement states that Landwehr's services will not disqualify him from handling other matters with the Town, so long as they do not involve specific matters upon which Landwehr may have rendered legal advice to the Town during his temporary representation.

Berkshire moved and Rankin seconded to approve a fee agreement with Attorney Rod Landwehr for legal services while the Town Attorney is on vacation. Roll call vote taken with all voting yes. **Motion passed unanimously.**

F) Approval of Plat and Party Wall Agreement for Lady Slipper Town Houses 701 and 703 Red Lady Avenue.

Magner advised council to approve the plat and party wall agreement subject to minor revisions.

Williams moved and Chlipala seconded to approve the plat and party wall agreement for Lady Slipper Town Houses subject to minor revisions by staff. Roll call vote taken with all voting yes. **Motion passed unanimously.**

#### 5. LEGAL MATTERS/TOWN ATTORNEY

Magner reminded council she will not attend the May 15, 2006 council meeting and said she sent the council a few memos via e-mail. Magner also noted the letter in the Council packet dated April 13, 2006 regarding Whetstone Business Park, which she drafted and the Town Manager signed.

#### 6. COUNCIL REPORTS AND COMMITTEE UPDATES

Williams:

- The Gunnison County Housing Authority (GCHA) has been meeting with the Rocky Mountain Biological Society (RMBL) regarding designating two rental units for RMBL. GCHA is working with high school shop students in Gunnison building a 400 sq. ft. cottage. GCHA has hired Eileen McVicker as home buyer counselor.
- The Gunnison County Planning Commission is discussing affordable housing fees and is considering charging 10 to 25 percent of the building permit fee, depending on the size of the structure. Council directed Hess to inquire further about the fees and report back to council.

Rankin:

- Voiced concern about the proposed indoor ice and recreation facility and wants to make sure the Town retains control over the project and that energy efficiency is a component of the project. Bell explained that Town

will have the ability to control the project and a number of entities will help craft the RFP for the project.

- Said he thinks horizontal zoning should be addressed in the B-2 zone (as well as B-1 zone). Council directed the horizontal zoning subcommittee to also discuss linear zoning (in addition to horizontal zoning).

Chlipala:

- Would like the Town Manager to follow through on the installation of news racks.
- Would like the Town to consider a notification process to property owners nearby projects undergoing review by the Board of Zoning and Architectural review. Council directed staff to research the topic and report back to council.

Levy:

- Reported she signed numerous documents (as Mayor Pro-Tem) for the Crested Butte Academy Bond Issue.
- Reported on the West Elk Loop Scenic Byway Committee- Seven more moose have been released up Muddy Creek; outhouses will be installed at the Kebler Pass and Dark Canyon Trailheads; the U.S. Forest Service may close campground in 2007 that don't pay for themselves; the Fire Mountain Canal Ditch Company (which owns 75 percent of water rights in Lost Lake reservoir) has filed an application to dam Anthracite Creek to create a reservoir at Horse Ranch Park; the West Elk Loop Scenic Byway Committee will meet in Crested Butte on July 14, 2006.

## 7. **OTHER BUSINESS TO COME BEFORE COUNCIL**

A) Review of Draft Ordinance No.11, Series 2006- An Ordinance Amending the Zoning and Land Use Ordinance to Add Subordinate and Incidental Use Restaurants as a Conditional Use in the "C" Commercial District and to Add a Definition of "Subordinate and Incidental Use."

Levy read the title of the Ordinance. Magner explained the revised ordinance provides for restaurant use as a subordinate and incidental use to amusement and recreation facilities and not retail bakeries. Council discussed the proposed restaurant size limitation in the ordinance (1,000 square feet) and whether or not restaurant size should be based on a square footage percentage of the building, possibly with a size limitation.

Council agreed to refer the ordinance to the Board of Zoning and Architectural Review (BOZAR) with the understanding that BOZAR will make a recommendation on the question of restaurant size.

Chlipala moved and Williams seconded to send Ordinance No. 11 to BOZAR. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Discussion of Conveyance of Lots 3 and 11 in Block 77 of Paradise Park Subdivision to the Gunnison County Housing Authority (GCHA).

Magner asked council to make a motion to allow the mayor to execute deeds conveying lots 3 and 11 in Block 77 of Paradise Park Subdivision to GCHA.

Magner noted that council will receive a recommendation from her, in the future, regarding the plats for the parcels and splitting the parcels into two lots.

Williams moved and Rankin seconded to direct the Mayor or Mayor Pro Tem to sign deeds conveying lots 3 and 11 in the Paradise Park Subdivision to the Gunnison County Housing Authority for \$43,000 each. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Discussion of Town Manager Search Process.

Levy noted the Town Manager Search Committee gave council a memo outlining a refined timeline and search process. Magner suggested council schedule an agenda item to appoint an acting Town Manager (for the time period when Bell leaves and new manager comes on board). Bell suggested council schedule appointment for the May 15, 2006 council meeting, effective the date of his departure. Council agreed to put the item on the May 15, 2006 agenda. Magner also suggested council schedule a special meeting on May 25, 2006 for the selection of new Town Manager.

Williams moved and Berkshire seconded to schedule a special council meeting on May 25, 2006 at 1 p.m. for selection of a new Town Manager. Council may go into executive session during the special meeting. Roll Call vote taken with all voting yes. **Motion passed unanimously.**

Levy asked council to consider the possibility of holding a special council meeting on May 18, 2006 to handle overflow items from the May 15, 2006 meeting.

Williams moved and Chlipala seconded to schedule a special council meeting on Thursday, May 18, 2006 at 6 p.m. to accommodate overflow items from the May 15, 2006 meeting. Roll call vote taken with all voting yes. **Motion passed unanimously.**

Council agreed to set the agenda items for the May 18, 2006 special council meeting at the May, 15, 2006 regular council meeting.

Levy noted memo in packet from Tyler Martineau regarding the Gunnison Basin Water Roundtable and the newly created Interbasin Compact Committee. Bell also discussed the topic.

Levy adjourned the meeting at 9:36 p.m. by unanimous consent.

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Alan Bernholtz, Mayor

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Eileen Hughes, Town Clerk

